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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose GURROLA

Defendant.

Magistrate Case No.: '09 MJ 8126  
COMPLAINT FOR VIOLATION OF  
21 U.S.C. § 952 and 960  
Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

On or about January 28, 2009, within the Southern District of California, defendant Jose GURROLA did knowingly and intentionally import approximately 37.96 kilograms (83.51 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

*Signature of Special Agent*  
Special Agent  
U.S. Immigration & Customs  
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 29<sup>th</sup>  
DAY OF JANUARY, 2009.

*Signature of Peter C. Lewis*  
PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Jose GURROLA

4 Statement of Facts

5 This Statement of Facts is based upon the personal observations, investigation,  
6 and information provided to U. S. Immigration and Customs Enforcement Special Agent  
7 Douglas Struckmeyer.

8 On January 28, 2009, Jose (GURROLA) applied for entry into the United States  
9 from Mexico as a United States citizen at the Calexico, California west port of entry.  
10 GURROLA was the driver, sole occupant, and registered owner of a 1997 Dodge Ram.  
11 In the bed of the Dodge Ram, GURROLA had a 2004 Yamaha 4-wheel ATV, also  
12 registered in his name.

13 At the time, United States Customs and Border Protection Canine Enforcement  
14 Officer (CEO) D. Ragsdale was conducting pre-primary inspections with his Narcotic  
15 Detector Dog (NDD). CEO Ragsdale used his NDD to screen the 1997 Dodge Ram  
16 prior to the vehicle reaching the primary inspection booth in lane 9. The NDD alerted to  
17 the 4-wheel ATV in the bed of the truck, indicating the presence of the odor of a  
18 controlled substance in that area. Customs and Border Protection Officer (CBPO) J. Cid  
19 was assigned to primary inspection lane 9. CEO Ragsdale advised CBPO Cid of the  
20 positive alert.

21 CBPO Cid received a negative Customs declaration from GURROLA, and  
22 referred GURROLA to the vehicle secondary area for further inspection. CBPO M.  
23 Riche encountered the vehicle in the secondary inspection area. CBPO Riche received  
24 a negative Customs declaration from GURROLA and searched the vehicles. CBPO  
25 Riche discovered 70 packages concealed within the four tires of the ATV. The  
26 packages contained a green leafy substance, which field-tested positive for marijuana.  
27 The total weight of the packages was 37.96 kilograms (83.51 pounds).

28 Special Agents (SA) Struckmeyer and Pomerantz responded to the Port of Entry  
29 and interviewed GURROLA. GURROLA was advised of his rights per Miranda.

1 GURROLA stated he understood his rights and was willing to answer questions without  
2 the presence of an attorney. GURROLA admitted knowledge of the marijuana  
3 concealed within the ATV. GURROLA stated he was hired to smuggle the marijuana  
4 into the United States and was going to be paid \$400.00 for driving the marijuana to  
5 San Diego, California.